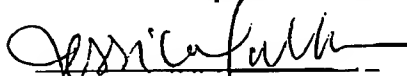


Date of Facsimile: August 26, 2002

I hereby certify that this paper or fee is being faxed to the United States Patent Office to the Attn. of Sue Wolski of the PCT Help Desk on the date indicated.


Jessica Pallach

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mueller et al.

Docket No.: SCHO0050

Serial No. : 09/786,294

Art Unit: 2858

Filed: October 19, 2001

Examiner: Unassigned

Title: METHOD AND APPARATUS FOR DETERMINING CHARACTERISTICS OF A
SAMPLE LIQUID INCLUDING A PLURALITY OF SUBSTANCES

August 26, 2002

Assistant Commissioner for Patents

Box DAC

Washington, DC 20231

03/11/2003 MKAYPRGH 00000169 071445 09786294

Petition under Rule 182

01 FC=1460 130.00 CH

Applicant herein requests that the above-referenced application be treated as an application arising under 35 USC § 111(a), rather than under 35 USC § 371.

When this application was filed, the "Transmittal Letter for Entering the National Stage in the US Under 371" was used. This was incorrect. However, nowhere on this form was a PCT application number listed from which it was to be a National Phase. The only priority claim for application Serial No. 09/786,294 should be the European Application No. 00103882.7 filed 2/24/00, as correctly listed on the transmittal form.

Towards the bottom of the transmittal (copy attached) is where all the enclosed forms are checked-off that are submitted with the application. One of the lines "A Preliminary Amendment – annotated copy of PCT/EP99/05675" is not checked off. Accordingly, the data entry clerk incorrectly assumed that this number is the PCT Application No. of

which Application Serial No. 09/786,294 is a National Phase filing. PCT Application No. PCT/EP99/05675 has no relationship to the present application.

Applicant requests that the priority claim to PCT Application No. PCT/EP99/05675 be deleted from the record of this application and that only the European Application No. 00103882.7 be shown as the sole priority claim. A copy of the Executed Declaration filed October 19, 2001 is also enclosed. Page 2 of the Declaration lists the priority applications – only the European Application No. 00103882.7 is listed there, *i.e.* no Reference to any PCT application.

Applicant has already filed a Request for a Corrected Filing Receipt on April 23, 2002.

The Commissioner is authorized to charge any fees that may be due and credit any overpayments to Deposit Account No. 07-1445 (Order No. SCHO0050).

I herein acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon. All statements made of my own knowledge are true and all statements made on information or belief are believed to be true.

Respectfully submitted,



Michael A. Glenn

Reg. No. 30,176

Customer No. 22862

COPY

**TRANSMITTAL LETTER FOR A PCT INTERNATIONAL APPLICATION
ENTERING THE NATIONAL STAGE IN THE U.S. AS A DESIGNATED or
ELECTED OFFICE UNDER 35 USC 371**

Attorney's Docket No.: SCHO0050

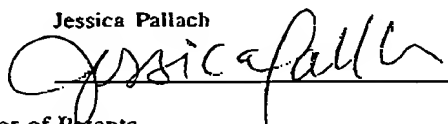
Date: February 23, 2001

Express Mail" mailing label number (from mail label): **EL540887049US**

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service, as required under 37 CFR 1.10, on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Typed Name: Jessica Pallach

Signature:



Commissioner of Patents

and Trademarks

Box PCT Application

Attention: DO/EO

Washington, D.C. 20231

Transmitted herewith are the papers required to enter the national state in the U.S. as a designated office/elected office for the following PCT international patent application:

EUROPEAN APPLICATION NUMBER: 00103882.7**European Filing Date: 24 February 2000****1st Priority Date: 24 February 2000****Inventor(s): Rudolf MUELLER, Dietrich WABNER, Hanns-Erik ENDRES, Ilse WURDACK, and Peter PFEIFFER****For: METHOD AND APPARATUS FOR DETERMINING CHARACTERISTICS OF A SAMPLE LIQUID INCLUDING A PLURALITY OF SUBSTANCES**

The United States Patent Office is: (select one)

☐ A Designated Office (No Demand was filed - See 37 CFR 1.494)☒ An Elected Office (A Demand for Preliminary Examination was Filed - See 37 CFR 1.495)

Enclosed are:

- ☒ A copy of the European application (if this line is not checked, the international application was previously communicated by the International Bureau or the international application was originally filed in the USPTO).
- ☐ An English Translation of the International Application
- ☒ An UNEXECUTED Combined Declaration and Power of Attorney
- ☐ A translation of amendments under Article 34 PCT
- ☐ A copy of the Notification of the Recording of a Change
- ☐ A translation of annexes to the international preliminary examination report
- ☐ An Assignment of the Invention to xxxxxxxxxx (with \$40.00 recordal fee)
- ☐ Information Disclosure Statement, 1449 Form and cited references
- ☐ A Preliminary Amendment—annotated copy of PCT/EP99/05675
- ☐ A copy of the International Search Report and cited references
- ☐ A copy of the References cited in the German Examination Report
- ☐ A copy of the Preliminary Examination Report
- ☐ Revised Drawing Sheet as Amended under Article 19 PCT
- ☐ Notification of the Recording of a Change
- ☒ 6 Sheets of Formal Drawings

Not
checked
or
related

COPY

Declaration and Power of Attorney For Patent Application

Erklärung Für Patentanmeldungen Mit Vollmacht

German Language Declaration

Als nachstehend benannter Erfinder erkläre ich hiermit an Eides Statt:

dass mein Wohnsitz, meine Postanschrift, und meine Staatsangehörigkeit den im Nachstehenden nach meinem Namen aufgeführten Angaben entsprechen.

dass ich, nach bestem Wissen der ursprüngliche, erste und alleinige Erfinder (falls nachstehend nur ein Name angegeben ist) oder ein ursprünglicher, erster und Miterfinder (falls nachstehend mehrere Namen aufgeführt sind) des Gegenstandes bin, für den dieser Antrag gestellt wird und für den ein Patent beantragt wird für die Erfindung mit dem Titel:

deren Beschreibung

(zutreffendes ankreuzen)

☐ hier beigefügt ist.

☐ am _____ unter der

Anmeldungsseriennummer _____

eingereicht wurde und am _____
abgeändert wurde (falls tatsächlich abgeändert).

Ich bestätige hiermit, dass ich den Inhalt der obigen Patentanmeldung einschliesslich der Ansprüche durchgesehen und verstanden habe, die eventuell durch einen Zusatzantrag wie oben erwähnt abgeändert wurde.

Ich erkenne meine Pflicht zur Offenbarung irgendwelcher Informationen, die für die Prüfung der vorliegenden Anmeldung in Einklang mit Absatz 37, Bundesgesetzbuch, Paragraph 1.56(a) von Wichtigkeit sind, an.

Ich beanspruche hiermit ausländische Prioritätsvorteile gemäss Abschnitt 35 der Zivilprozessordnung der Vereinigten Staaten, Paragraph 119 aller unten angegebenen Auslandsanmeldungen für ein Patent oder eine Erfindersurkunde, und habe auch alle Auslandsanmeldungen für ein Patent oder eine Erfindersurkunde nachstehend gekennzeichnet, die ein Anmeldedatum haben, das vor dem Anmeldedatum der Anmeldung liegt, für die Priorität beansprucht wird.

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

Method and apparatus for determining

characteristics of a sample liquid

including a plurality of substances

the specification of which

(check one)

is attached hereto.

☒ was filed on 2/23/01 as

Application Serial No. 09/786,294

and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

COPY

German Language Declaration

Prior foreign applications

Priorität beansprucht

Priority Claimed

00103882.7

Germany

24/02/00 (February 24, 2000)

(Number)
(Nummer)(Country)
(Land)(Day/Month/Year Filed)
(Tag/Monat/Jahr eingereicht)☒
Yes
Ja☐
No
Nein(European Patent
Application)(Number)
(Nummer)(Country)
(Land)(Day/Month/Year Filed)
(Tag/Monat/Jahr eingereicht)☐
Yes
Ja☐
No
Nein(Number)
(Nummer)(Country)
(Land)(Day/Month/Year Filed)
(Tag/Monat/Jahr eingereicht)☐
Yes
Ja☐
No
Nein

Ich beanspruche hiermit gemäss Absatz 35 der Zivilprozessordnung der Vereinigten Staaten, Paragraph 120, den Vorzug aller unten aufgeführten Anmeldungen und falls der Gegenstand aus jedem Anspruch dieser Anmeldung nicht in einer früheren amerikanischen Patentanmeldung laut dem ersten Paragraphen des Absatzes 35 der Zivilprozessordnung der Vereinigten Staaten, Paragraph 112 offenbart ist, erkenne ich gemäss Absatz 37, Bundesgesetzbuch, Paragraph 1.56(a) meine Pflicht zur Offenbarung von Informationen an, die zwischen dem Anmeldedatum der früheren Anmeldung und dem nationalen oder PCT internationalen Anmeldedatum dieser Anmeldung bekannt geworden sind.

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)
(Anmeldeseriennummer)(Filing Date)
(Anmeldedatum)(Status)
(patentiert, anhängig,
aufgegeben)(Status)
(patented, pending,
abandoned)(Application Serial No.)
(Anmeldeseriennummer)(Filing Date)
(Anmeldedatum)(Status)
(patentiert, anhängig,
aufgegeben)(Status)
(patented, pending,
abandoned)

Ich erkläre hiermit, dass alle von mir in der vorliegenden Erklärung gemachten Angaben nach meinem besten Wissen und Gewissen der vollen Wahrheit entsprechen, und dass ich diese eidesstattliche Erklärung in Kenntnis dessen abgebe, dass wissentlich und vorsätzlich falsche Angaben gemäss Paragraph 1001, Absatz 18 der Zivilprozessordnung der Vereinigten Staaten von Amerika mit Geldstrafe belegt und/oder Gefängnis bestraft werden können, und dass derartig wissentlich und vorsätzlich falsche Angaben die Gültigkeit der vorliegenden Patentanmeldung oder eines darauf erteilten Patentes gefährden können.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/786,294	10/19/2001	2858	1418	SCHO0050	6	34	2

CONFIRMATION NO. 8150

CORRECTED FILING RECEIPT



22862
GLENN PATENT GROUP
3475 EDISON WAY
SUITE L
MENLO PARK, CA 94025

Date Mailed: 06/26/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Rudolf Mueller, Starnberg, GERMANY;
Dietrich Wabner, Garching, GERMANY;
Hanns-Erik Endres, Muenchen, GERMANY;
Ilse Wurdack, Muenchen, GERMANY;
Peter Pfeiffer, Muenchen, GERMANY;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A 371 OF PCT/EP99/05675 02/24/2000

*Incorrect! This claim
needs to be deleted.*

Foreign Applications

GERMANY 00103882.7 02/24/2000

If Required, Foreign Filing License Granted 06/26/2002

Projected Publication Date: Not Applicable, filed prior to November 29, 2000

Non-Publication Request: No

Early Publication Request: No

Title

